

HB4770 creates the Public Employee Domestic Partner Benefit Restriction Act (the "Act").

HB4771 makes health insurance or other fringe benefits provided in violation of the Act, a prohibited subject of bargaining.

House Bills 4770 and 4771 will prohibit public employers, as defined in the Act, from providing medical benefits or other fringe benefits to individuals who live with public employees, unless that individual is one of the following: Married to the employee, A dependent of the employee, or Otherwise eligible to inherit from the public employee under Michigan's laws of intestacy.<sup>1</sup>

Public employer includes: the state, local municipalities, school boards, community colleges, universities, and other public entities. HB4770, Section 2(b). HB 4770 will void provisions in contracts in violation of this section if entered into after the effective date of the Act. HB 4770, Sections 3(2) and 4. The Act will apply to all public employers to the greatest extent consistent with constitutionally allocated powers. HB 4770, Section 5.

#### Arguments in Support:

The provision of benefits to non-relatives of public employees needlessly and unnecessarily increases public expenditures in a way that should be prohibited.

When Michigan voters passed Art. I, Section 25 of the Michigan Constitution in 2004, it was intended that benefits of marriage be provided only to heterosexual couples. The provision of benefits to non-relatives of public employees is an attempt to circumvent that intent. Such attempts should be prohibited by law.

This issue has already been looked at by both the AG and the Supreme Court. In both instances, the ruling was that public funds should not be allowed to be used to provide these benefits.

1. Michigan's laws of intestacy are those laws that govern the provision of inheritance if the decedent dies without a will. See MCL 700.2101et seq. Taking by intestacy requires that the person be related by blood or marriage.

#### Question you could face

- *How can you interfere with the collective bargaining process again? What gives you the right?*  
We are **not** breaking any existing agreements. The changes would go into effect when the next contract is negotiated or the current agreement is amended or extended.

#### Reclaiming responsibility

- Providing benefits to roommates and friends of public employees is something Michigan taxpayers simply cannot afford.
- The CSC and other governmental entities' decisions to offer such benefits open up Michigan taxpayers to increased fraud, as roommates, friends and *their* children will be considered live-in partners to qualify for state employee benefits. We are doing the fiscally responsible thing by preventing this abuse.
- These local and state governments and universities cannot afford to exploit this loophole in state law and constitutional intent. We are helping them make ends meet while also defending the will of Michigan voters.

*the AG's opinion of 2005 + the supreme court ruling of 2008*